

1975 No. 310

CONSUMER PROTECTION

Heating Appliances (Fireguards) Regulations (Northern Ireland) 1975

Made 10th November 1975

Coming into operation 1st January 1976

To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974

The Department(a) of Commerce, after consultation with such persons and bodies of persons as appear to it to be requisite, in exercise of the powers conferred by sections 1, 2(4) and (5) and 6(2) of, and paragraph 3 of the Schedule to, the Consumer Protection Act (Northern Ireland) 1965(b) and now vested in it(c) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Heating Appliances (Fireguards) Regulations (Northern Ireland) 1975 and shall come into operation on 1st January 1976.

Interpretation

2. In these regulations—

“the Act” means the Consumer Protection Act (Northern Ireland) 1965;

“excepted appliance” means—

(a) a gas or electric fire or oil heater—

(i) which is so constructed that when the appliance is burning, or, if it is an electric fire, consuming electricity, at the maximum rate for which it is designed, the heating element and, if it is a gas fire or oil heater, any flame is so enclosed within the body of the appliance that there is no likelihood of personal injury from burning, or of ignition of any fabric by reason of, in either case, contact with or proximity to, the heating element or any flame; or

(ii) which is not suitable for heating rooms in dwelling houses or other residential premises; or

(b) an electric fire which is so constructed as to require attachment to a ceiling;

“gas fire” includes a gas burning heating appliance in which the source of the gas is in liquid form or the gas is contained in a portable container;

“heating appliance” means—

(a) a gas or electric fire; or

(b) an oil heater;

other than an excepted appliance;

(a) Formerly Ministry: see 1973 c. 36 s. 40, Sch. 5 para. 8(1)

(b) 1965 c. 14 (N.I.)

(c) Formerly vested in the Ministry of Home Affairs: S.R. & O. (N.I.) 1973 No. 504 Art. 5(c) (II, p. 2992)

“heating element” means—

- (a) in relation to a gas fire or oil heater, that part of it which is designed to be directly heated by the impingement thereon of burning fuel;
- (b) in relation to an electric fire, a heating resistor and element former including, where a resistor and former (if any) are a detachable unit, so much of the fire as makes them such a unit.

Requirement to fit suitable fireguards

3. A heating appliance shall be fitted with a guard such that the appliance is capable of satisfying the tests and requirements specified in Clause 1.3 (which contains design and performance requirements in relation to all types of heating appliances) and, as may be appropriate to the type of appliance, the tests and requirements specified in Clause 2 (which relates to gas fires), Clause 3 (which relates to electric fires) or Clause 4 (which relates to oil heaters) of the British Standard Specification for Fireguards for Heating Appliances (Gas, Electric and Oil-Burning) BS 1945: 1971, as published on 30th July 1971, as amended by Amendment No. 1, published on 12th April 1972.

Goods already manufactured

4. Subsections (1) and (2) of section 2 of the Act (which prohibit sales and possession for sale of goods and component parts not complying with regulations) shall apply in relation to goods and component parts manufactured before the imposition of these requirements notwithstanding anything in subsection (4) of that section (which exempts such goods and parts unless regulations otherwise provide).

Letting under hire purchase agreement or on hire

5. Section 2(1) to (3) of the Act (except subsection (3)(d) and (e)) (sale and possession for sale of goods and component parts not complying with regulations) shall, except as provided by section 2(6), apply in relation to goods to which these regulations apply as if references to selling or to a sale included references to letting under a hire-purchase agreement or on hire, and the reference to a sale under a credit-sale agreement were a reference to a letting under a hire-purchase agreement.

Testing and enforcement

6.—(1) The Schedule to the Act (which relates to enforcement by district councils) shall have effect in relation to goods to which these regulations apply.

(2) Any test of a guard on a heating appliance, being a test such as is referred to in paragraph 2 of the Schedule to the Act (which empowers a district council to purchase goods for the purpose of a test), shall be carried out at the expense of the district council by any such person or body as may be authorised by the Department to carry out such tests.

Revocation

7. The Heating Appliances (Fireguards) Regulations (Northern Ireland) 1953(d) are hereby revoked.

(d) S.R. & O. (N.I.) 1953 No. 75 (p. 175)

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 10th November 1975.

(L.S.)

Ernest Simpson

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

The Department of Commerce is empowered under the Consumer Protection Act (Northern Ireland) 1965 to make regulations imposing requirements, in respect of any class of goods, to prevent or reduce risk of death or personal injury. These regulations impose such requirements in relation to fireguards for gas and electric fires and oil heaters, and accordingly under the Act, subject to certain exceptions, no person may sell or have in his possession for sale such an appliance not complying with the regulations. By virtue of regulation 5, letting on hire or hire-purchase is similarly prohibited.

The substance of the regulations is contained in regulation 3, which requires heating appliances (as defined in regulation 2) to have a fireguard which satisfies requirements of the British Standard BS 1945: 1971 as amended in 1972.

The regulations supersede the Heating Appliances (Fireguards) Regulations (Northern Ireland) 1953.